

## AMENDING THE ACT FOR THE PROTECTION OF WALRUSES

JUNE 12, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs, submitted the following

### R E P O R T

[To accompany H. R. 10412]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 10412) to amend the act for the protection of walruses, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### EXPLANATION OF THE BILL

H. R. 10412, as introduced by Delegate Bartlett of Alaska, and as approved by the committee, would amend the Walrus Protection Act of August 18, 1941 (55 Stat. 632; 48 U. S. C. 248), in two major respects: by permitting the export sale of walrus hides by Alaskan natives, and by authorizing the Secretary of the Interior to prescribe regulations under which walruses may be taken by non-natives for purposes other than food and clothing.

### THE PACIFIC WALRUS

Walruses are large marine animals of subpolar distribution, and were originally abundant throughout the Bering Sea region. During the early days of whaling, from 1840 to 1890, they were hunted ruthlessly, with from 12,000 to 15,000 of the animals killed annually, far more than the reproductive rate could replace. It was therefore not long before they were too few to hunt for commercial purposes.

The Pacific walrus spends most of its life riding drifting ice floes of the Arctic Ocean and Bering Sea, its movement primarily influenced by currents and winds, its food supply principally obtained through procuring of clams, crabs, and other shellfish from the ocean bottom.

Mature animals weigh on the average from 2,000 to 3,000 pounds, and may attain a length of 11 to 13 feet. Tusks of a single mature animal may yield as much as 40 to 50 pounds of ivory; and individual hide, in its green state, will weigh between 250 and 300 pounds.

In Alaska, the walrus has its highest and chief value as a food and clothing resource for the natives, particularly those living on, or having access to, St. Lawrence, King, and Little Diomed Islands. It appears that for generations the Eskimo native has used its strong hide as material for covering the oomiak boat frame, thinner hides converted to wearing apparel. The dark flesh of the walrus, stored in underground ice chambers or "ice boxes" until needed, has been, and is, an important food source, its fine white ivory utilized for characteristic Eskimo carvings. Today's plastic raincoats had their prototypes in the Eskimo translucent raincoats called kamelaikas, made from walrus intestines stretched and dried by the natives; the same material has been used for windows in sod-covered igloos. Eskimos on the three named islands are strategically located on the migration route of the walrus ranging south to north from Nunivak Island, between the mouths of the Kuskokwim and Yukon Rivers, to Point Barrow.

#### 1908 AND 1941 ACTS OF CONGRESS

A 1908 act of Congress (35 Stat. 102, 103) designated the Pacific walrus a game animal, and authorized the Secretary of Agriculture (the responsibility for which was thereafter transferred to the Secretary of the Interior) to issue regulations for their protection, including authority to entirely prohibit their killing for certain periods. After 30 years of operation, it appeared that an increased number of animals were being taken for the value of their ivory. Regulations in force in 1941 expressly prohibited the taking of walruses for any purpose, but proved extremely difficult to enforce.

Congress, at the request of Interior officials, moved in 1941 to put in effect more realistic and practicable legislation. The result was the act of August 18, 1941 (55 Stat. 632; 48 U. S. C. 248), which applies within the Territory of Alaska and in and on Territorial waters. This act repealed the earlier legislation, and is the only Federal statute presently governing the taking, possession, sale, barter, purchase, and export of walrus. Under the 1941 act, walruses may be taken only—

- (1) by natives for food and clothing for themselves, at any time;
- (2) by miners, explorers, or any other person, when in need of food and other food is not available; and
- (3) for scientific or educational purposes, under special permits issued by the Secretary of the Interior.

With respect to disposition after taking and possession, the 1941 act provides that skins, hides, tusks, and ivory of walruses taken under the provisions of the act may be sold, bartered, or purchased in the Territory, but that ivory tusks only may be exported from the Territory, and then only when carved or otherwise manufactured or processed there.

#### OPERATION OF THE 1941 ACT

Annual kills appear to have leveled at between 1,200 and 1,500 walruses per year, about 75 percent of which are taken by Eskimos in the vicinity of the named Bering Sea islands. The Department of the Interior, together with the Alaska Game Commission and the

Director of the Alaska Native Service, have concluded that the provisions of the 1941 act limiting walrus byproduct exports to processed tusks have worked to the economic disadvantage of the natives, particularly with respect to walrus hides.

The hide of a mature walrus, used primarily in industry for buffing wheels to polish silver would yield for export, in light of the average weight, from \$100 to \$120. A firm export market for 200 mature hides each year exists through a commitment made by a Portland, Oreg., firm. This would materially assist the native economy by providing an additional cash income of as much as \$24,000 annually, according to the Department of the Interior, among natives whose present average individual cash income is less than \$150 per year. It is also noted that the natives are unable to presently make a full use locally of the hides lawfully taken.

Studies by James W. Brooks, in association with the Alaska cooperative wildlife research unit at the University of Alaska, and Francis H. Fay, under sponsorship of the Arctic Institute of North America (see memorandum of the Fish and Wildlife Service, entitled "Pacific Walrus," set out below), resulted in a recommendation that natives be permitted to sell walrus hides.

Brooks also recommended that provision be made to permit sportsmen to take one walrus annually, employing Eskimo guides, with the condition that the carcass be delivered for utilization by Eskimos; this is the recommendation also of the Alaska Game Commission. In addition to these recommendations, the Department of the Interior endorses a further proposed change in existing law which, by prohibiting the use of airplanes and helicopters in walrus hunting, will result in the use of native craft, further augmenting the meager cash income of the natives.

H. R. 10412, the reported bill, is responsive to the conclusions and recommendations of the Alaska Game Commission, the Brooks report, the Alaska Native Service, and the Department of the Interior.

The purpose of H. R. 10412 is to amend the Walrus Protection Act of August 18, 1941 (55 Stat. 632, 48 U. S. C. 248) by—

- (1) permitting the skins or hides of walruses lawfully killed for food or clothing purposes to be exported under regulations of the Secretary of the Interior that may limit the number or the size of the skins exported in order to discourage excessive killing that might endanger the existence of the herds; and

- (2) authorizing the Secretary of the Interior to permit walruses to be killed for purposes other than food and clothing, including taking by nonnatives, and the parts of such walruses to be sold or exported—all under conditions designed to protect the economy of Alaska natives.

#### EXECUTIVE REPORTS

The favorable reports of the Department of the Interior and the Bureau of the Budget dated May 3, 1956, and May 7, 1956, respectively, are as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D. C., May 7, 1956.

HON. CLAIR ENGLE,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: Your committee has requested a report on H. R. 10412, a bill to amend the act for the protection of walruses.

We recommend that the bill be enacted.

Under the act of August 18, 1941 (55 Stat. 632; 48 U. S. C. 248), walruses may be killed only:

- (1) By natives for food and clothing for themselves;
- (2) By other persons when in need of food and no other food is available; and
- (3) For scientific or educational purposes.

The tusks or ivory from the walruses lawfully killed for food or clothing purposes may be exported from the Territory after they have been carved or otherwise processed, but no other part of the animals may be exported.

The bill would do two things:

(1) It would permit the skins or hides of walruses lawfully killed for food or clothing purposes to be exported under regulations of the Secretary of the Interior that may limit the number or the size of the skins exported in order to discourage excessive killing that might endanger the existence of the herds.

(2) It would authorize the Secretary of the Interior to permit walruses to be killed for purposes other than food and clothing, and the parts of such walruses to be sold or exported, under conditions designed to protect the economy of the natives.

Walruses are important to the native economy, and the hunting of walruses should continue to be restricted primarily to the natives. At the present time, however, there is a substantial economic waste due to the restriction on the exportation of hides and the inability of the natives to make a full use locally of the hides lawfully taken. A modification of the restriction with respect to hides would materially improve the cash economy of the natives without endangering the supply of walruses.

Walruses may be harvested by the natives only for food and clothing. The natives make a limited use of the thinner hides for wrappings, shelter, and boots, but changes in housing materials and in clothing materials have greatly diminished the demand for hides and an appreciable percentage of them is being wasted, particularly the thicker hides of the mature animals, which are the ones that have an export value. If the natives were allowed to export these hides their cash income would be increased. Experience has shown that even a small increase in cash income results in a marked improvement in their standard of living.

For purposes of comparison, the price obtained by natives for the ivory from walruses in its raw state is approximately \$2 per pound, and there are about 50 pounds of ivory on a mature walrus, yielding a total of \$100. The hide of a mature walrus in its green state is worth about 40 cents net per pound to the native if available for export, and the hide weighs between 250 and 300 pounds, yielding \$100 to \$120. The present annual kill of walruses is approximately

1,300, of which about 200 are mature animals. At 40 cents per pound the 200 hides would yield the natives an additional cash income of about \$24,000 per year. It is difficult to estimate the number of natives who would share in the income, but the per capita share would be substantial in view of the fact that the average cash income of natives is less than \$150 per year.

There is a probable market for 200 mature hides each year at a net return of about 40 cents per pound in Alaska. A corporation that has been importing hides for many years from Denmark has indicated its willingness to make such purchases. The mature hides are used primarily for buffing wheels to polish silver.

Regulations that limit the number and the size of hides that may be exported should contribute to the conservation of the herds by removing the incentive for killing excessive numbers and by causing the natives to concentrate on hunting and killing more mature walruses, leaving the immature animals unmolested. The hides of the younger walruses have no commercial value at the present time unless they are priced low enough to compete with cowhide.

The provisions of section 2 of the bill that permit walruses to be taken for purposes other than food or clothing under regulations of the Secretary will also benefit the native economy. The Secretary may permit natives to take walruses for their ivory and hides to the extent that their food supply will not be imperiled. In addition, the Secretary may permit nonnatives to take not more than one bull walrus per year when the taking will not endanger the native food supply, and when the nonnative hunter is accompanied by a native guide. This will make available to the natives an additional cash resource in the form of guide fees. Moreover, the prohibition against hunting with the use of airplanes and helicopters will result in the use of native craft, which will also augment the meager cash income of the natives.

The provision with respect to license fees for nonnatives corresponds generally to the present law with respect to licenses for big-game hunting in Alaska.

According to the best available figures the walrus population in Alaska has been stable for the past several years, with no appreciable increase or decrease. Walruses are polygamous animals, and we believe that the regulated hunting of the bulls will not imperil the resource.

The Bureau of the Budget has advised us that there is no objection to the submission of this report.

Sincerely yours,

WESLEY A. D'EWART,  
*Assistant Secretary of the Interior.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., May 3, 1956.

HON. CLAIR ENGLE,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Bureau concerning H. R. 10412, to amend the act for the protection of walruses.

The bill, if enacted, would amend the act of August 18, 1941 (48 U. S. C. 248), to permit (a) exportation of walrus hides under regulations designed to protect and conserve the walrus herds, and (b) the taking of walruses for purposes other than food and clothing under regulations designed to protect the interests of Alaskan natives.

In a report which the Department of the Interior will submit to your committee, the economic advantage to the natives of Alaska by reason of the enactment of the measure is discussed. It appears that the native income would be substantially increased.

Under the terms of the bill the Secretary of the Interior would issue necessary regulations to effectuate its purposes.

This Bureau would have no objection to the enactment of H. R. 10412.

Sincerely yours,

ROBERT E. MERRIAM,  
*Assistant to the Director.*

In addition, there is set out following, a memorandum transmitted May 21, 1956, by the Fish and Wildlife Service, Department of the Interior, at the request of the committee staff:

MEMORANDUM OF FISH AND WILDLIFE RECEIVED MAY 24, 1956

PACIFIC WALRUS

Recognizing the essential need for a study of the walrus, James W. Brooks, in association with the Alaska cooperative wildlife research unit at the University of Alaska, and Francis H. Fay, under sponsorship of the Arctic Institute of North America, and others in the spring of 1952 initiated investigations aimed at discovering the salient aspects of the walrus biology, its population level and trend, and its present and future importance in the economy of Alaskan Eskimos. These investigations were continued in the summer of 1953, and have resulted in the comprehensive report by Brooks entitled "A Contribution to the Life History and Ecology of the Pacific Walrus" (Special Report No. 1, Alaska Cooperative Wildlife Research Unit, May 1954).

These investigations established the walrus distribution east of the international dateline on a seasonal basis. It is evident that the range of this animal is more restricted than it was during the heyday of the Arctic whaling fleet, but it is still very extensive. There is no information as to the population of the Alaska walrus herd before decimation by the whalers, nor is there a very good estimate of the size of the herd at the present time. The walrus is present on the Siberian as well as the Alaskan side of Bering Sea and the Arctic Ocean, and it is not known to what extent there is intermingling.

Among the older Alaskan Eskimos, however, it is the consensus that walrus have increased slightly in numbers, though steadily, from a low point that occurred about 1920. The average annual take by Eskimos is estimated by Brooks to be between 1,200 and 1,400 animals. This is almost exactly the same as in 1939 when a survey of Eskimo villages within the walrus habitat was last made by the Fish and Wildlife Service. This perhaps is the best evidence there is that the Alaskan walrus population can withstand the annual harvest at its present level. In this connection, it is interesting to note that about 75 percent of the harvest is made by the Eskimos of St. Lawrence, King, and Little Diomed Islands.

As a result of these investigations, Brooks, in the report cited, has recommended that the Walrus Act of August 18, 1941, be amended so as to permit efficient walrus management as a dynamic problem that cannot be treated properly under static provisions of legislation alone. Brooks has recommended that provision be made to permit sportsmen to take one walrus annually, employing Eskimo guides with the condition that the carcass be delivered for utilization by Eskimos. This is the recommendation also of the Alaska Game Commission. Brooks further recommends that natives be permitted to sell walrus hides, thus more fully utilizing animals killed primarily for food. The market is so limited that there would be an outlet for only 20 percent of the skins of walrus currently being killed. So this would be no inducement for increased killing but would provide another source of revenue for the Eskimos in the Bering Strait villages.

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### SECTION I OF THE ACT OF AUGUST 18, 1941 (55 STAT. 632; 48 U. S. C. 248)

That whoever, within the Territory of Alaska or in or on any of the waters thereof, shall take, possess, sell, barter, purchase, or export, at any time or in any manner, any walrus, alive or dead, or any part thereof, except as hereinafter in this section provided, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That walruses may be taken at any time by natives for food and clothing for themselves and by miners or explorers or any other person when in need of food and other food is not available, and the skins, hides, tusks, or ivory of walruses so taken may be possessed, sold, bartered, or purchased in the Territory and said tusks or ivory, when carved or otherwise manufactured or processed in the Territory, may be exported therefrom [·], *and said skins or hides may be exported from the Territory subject to such limitations on numbers and sizes of skins or hides exported as the Secretary of the Interior may prescribe for the purpose of protecting and conserving the walrus herds: Provided further*, That the Secretary of the Interior is authorized to permit the taking, possession, and export of walruses or parts thereof for scientific or educational purposes under special permits to be issued by him under such restrictions and conditions as he shall prescribe [·]:

*Provided further, That the Secretary of the Interior is authorized to prescribe by regulations the extent to which, the times when, and the means by which, walruses may be taken for purposes other than food and clothing and the extent to which such walruses or the parts thereof may be possessed, sold, bartered, purchased, or exported. Any regulations so prescribed shall prohibit the hunting of walruses with the use of airplanes and helicopters and shall prohibit the taking of any walrus by a nonnative other than one bull walrus per year which may be taken only when the nonnative is accompanied by a native guide. The meat of any walrus taken by a nonnative shall be given to natives, and the Secretary of the Interior is directed to prohibit the taking of walruses by nonnatives whenever he determines that such taking may endanger the food supply of the natives. No nonnative shall take any walrus under any regulations prescribed by the Secretary of the Interior without first having procured a walrus hunting license which shall be issued in the manner prescribed by subdivision I, section 10, of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 744; 48 U. S. C. 199). The fee for such license shall be \$25 for nonnative residents of the Territory of Alaska and \$50 for nonresident. For the purposes of this Act, residence shall be governed by the conditions prescribed in section 3 of said Alaska game law. After deducting the amount that may be retained as compensation by persons authorized to sell such licenses, the amount of such retained compensation to be determined in accordance with subdivision K of section 10 of said Alaska game law, the proceeds from the sale of walrus hunting licenses shall be accounted for and disposed of in the manner prescribed by the said subdivision K.*

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#### COMMITTEE CONCLUSION AND RECOMMENDATION

The committee is in agreement with recommendations of the Department of the Interior, the Alaska Native Service, Alaska Game Commission, and the findings of the Brooks report respecting legislation having as its purpose the objectives of the reported bill. In light of the conclusions of these agencies that the proposed legislation will not adversely affect the Alaska walrus population—and will add substantially to the native economy—the Committee on Interior and Insular Affairs recommends the enactment of H. R. 10412.

